

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

MARCUS MATTHEWS,

Petitioner,

Case No. 1:08-cv-1114

v.

HONORABLE PAUL L. MALONEY

THOMAS BIRKETT,

Respondent,

\_\_\_\_\_ /

**ORDER ADOPTING MAGISTRATE JUDGE'S**  
**REPORT AND RECOMMENDATION**

The Court has reviewed the Report and Recommendation (Dkt. #34) filed by United States Magistrate Judge Joseph G. Scoville in this action. The Report and Recommendation was duly served on the parties. No objections have been filed.

ACCORDINGLY, the Report and Recommendation is hereby adopted as the opinion of the Court.

**THEREFORE, IT IS ORDERED** that petitioner's motion to hold habeas petition in abeyance (Dkt. #33) is **DENIED** for the reasons stated in the Report and Recommendation.

Date: June 2, 2011

/s/ Paul L. Maloney

Paul L. Maloney  
Chief United States District